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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,115

08/15/2005

Brian G Condie

18377-0059

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EXAMINER

GAMETT, DANIEL C

ART UNIT

PAPER NUMBER

1647

MAIL DATE

DELIVERY MODE

09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,115	CONDIE ET AL.	
	Examiner	Art Unit	
	Daniel C. Gamett, PhD	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-71 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-23, 29-31 in part, and 59 in part, drawn to a method of producing a human neural cell comprising culturing a human pluripotent cell with a ceramide compound, the neural cell produced by said method, and method of treating a patient having a neural disease comprising administering said cell to a patient.

Group II, claim(s) 24-25, 29-31 in part, and 59 in part, drawn to a method of producing a human neural cell comprising culturing a human pluripotent cell with a sphingosine compound, the neural cell produced by said method, and method of treating a patient having a neural disease comprising administering said cell to a patient.

Group III, claim(s) 26-28, 29-31 in part, and 59 in part, drawn to a method of producing a human neural cell comprising culturing a human pluripotent cell with a hydroxyl alkyl ester compound, the neural cell produced by said method, and method of treating a patient having a neural disease comprising administering said cell to a patient.

Group IV, claim(s) 32-43, drawn to a method of enhancing the efficiency of the transplantation of a cultured human pluripotent cell in a patient comprising culturing a human pluripotent cell with a ceramide compound.

Group V, claim(s) 44-49, drawn to a cell culture medium comprising MEDII conditioned medium and a ceramide compound.

Group VI, claim(s) 50-53, drawn to a cell culture medium comprising MEDII conditioned medium and a sphingosine compound.

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Group VII, claim(s) 54-58, drawn to a cell culture medium comprising MEDII conditioned medium and a hydroxyl alkyl ester compound.

Group VIII, claim(s) 60-71, drawn to a composition comprising a differentiating pluripotent human cell and a ceramide compound.

2. The inventions listed as Groups I-VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I recites the special technical feature a method of producing a human neural cell comprising culturing a human pluripotent cell with a ceramide compound, which is not required by the other methods of Groups II-IV, VI, or the products of Groups V-VIII.

Group II recites the special technical feature a method of producing a human neural cell comprising culturing a human pluripotent cell with a sphingosine compound, which is not required by the methods of Groups I, III, and IV, or the products of Groups V-VIII.

Group III recites the special technical feature a method of producing a human neural cell comprising culturing a human pluripotent cell with a hydroxyl alkyl ester compound which is not required by the methods of Groups I, II, and IV or the products of Groups V-VIII.

Group IV recites the special technical feature a method of enhancing the efficiency of the transplantation of a cultured human pluripotent cell, which is not required by the methods of Groups I-III, or the products of Groups V-VIII.

Group V recites the special technical feature a cell culture medium comprising MEDII conditioned medium and a ceramide compound, which is not required by the methods of Groups I-IV or the products of Groups VI-VIII.

Group VI recites the special technical feature a cell culture medium comprising MEDII conditioned medium and a sphingosine compound, which is not required by the methods of Groups I-IV or the products of Groups V, VII, and VIII.

Group VII recites the special technical feature a cell culture medium comprising MEDII conditioned medium and a hydroxyl alkyl ester compound, which is not required by the methods of Groups I-IV or the products of Groups V, VI, and VIII.

Group VIII recites the special technical feature a composition comprising a differentiating pluripotent human cell and a ceramide compound, which is not required by the methods of Groups I-IV or the products of Groups V-VII.

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3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.
4. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.
5. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel C. Gamett, PhD whose telephone number is 571 272 1853. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath N. Rao can be reached on 571 272 0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DAVID ROMEO/
PRIMARY EXAMINER
ART UNIT 1647

DCG
Art Unit 1647
25 September 2007